

Appl. No. : **09/883,625**
Filed : **June 18, 2001**

REMARKS

This paper amends Claims 1, 14, 17, and 18. Claims 2-13, 15, 16, and 19-23 are unchanged. Claims 1-23 are pending. Reconsideration and allowance of the claims in light of the present remarks is respectfully requested.

Discussion of Claim Rejections under 35 USC § 102(b) and § 103(a)

Claims 1-3, 14 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Merkle (U.S. Patent No. 5,157,726). Claims 4-5, 15, 18, 20 and 22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Haber et al. (U.S. Patent No. RE 34,954).

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being obvious over Haber in view of FAQ published by Stardock: Electronic Store, Claims 9-10, 13, 16, 19, 21 and 23 were rejected as being obvious over Haber in view of Schneier, Applied Cryptography, and Claims 11-12 were rejected as being obvious over Haber and Schneier as applied to Claim 9 above, and further in view of Stardock.

The Merkle patent is directed to a system for authenticating a hard copy of an original document. The original document is created by a sender or first party (see column 3, lines 50-53). As seen in Figure 1A, the Merkle system utilizes the entire original document when performing the signing algorithm.

The Haber patent is directed to a system for time stamping a digital document whereby the secrecy of the document text is protected and a tamper-proof time seal establishes an author's claim to the temporal existence of the document. The document is not described as associated with or representing a transaction between a first party and a second party. A time-stamping agency (TSA), which can be considered the first party, receives from an author, which can be considered the second party, of a document either a hash number (Hk) of the document or the plain text document to be hashed (see column 3, lines 52-57).

The patent only describes that the entire document is hashed. Once the document is hashed into a number, it is not useful for the transaction by either the first or second party, since the original document cannot be recovered from the hashed document (see column 3, lines 30-47 of Haber).

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As discussed at the interview, neither reference, alone or in combination, makes the claims unpatentable. Therefore, Applicant respectfully requests withdrawal of the rejections and allowance of all claims.

Dependent Claims

Claims 2-3, 5-8 and 10-13 are dependent either directly or indirectly on one of the above-discussed independent claims. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

Conclusion

In light of the above, reconsideration and withdrawal of the outstanding rejections are specifically requested. In view of the foregoing remarks, Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/28/05

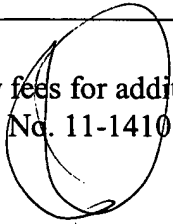
By: 

John M. Carson
Registration No. 34,303
Attorney of Record
Customer No. 20,995
(619) 235-8550

Docket No.: CARDIFF.047A

Customer No.: 20,995

(X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



John M. Carson
Registration No. 34,303
Attorney of Record
Customer No. 20,995
(619) 235-8550

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